

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1162 OF 2024

Litolier Artefacts Pvt. Ltd.

.. Petitioner

Versus

The Municipal Corporation of Greater Mumbai
and Ors.

.. Respondents

.....

- Ms. Mansi Kaku a/w. Mr. Harsh Pathak i./by Lex Firmus (Durgaprasad Sabnis), Advocates for Petitioner.
- Mr. R. Y. Sirsikar, Advocate for Respondent No.1 - The Municipal Corporation of Greater Mumbai.
- Mr. Jeet Gandhi a/w. Mr. Rahul Arora and Mr. Akshay Gupta, Advocates for Respondent No.3.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 30, 2024

P.C.:

1. Heard Ms. Kaku, learned Advocate for Petitioner; Mr. Sirsikar, learned Advocate for Respondent No.1 - The Municipal Corporation of Greater Mumbai and Mr. Gandhi, learned Advocate for Respondent No.3.

2. The order dated 13.12.2023 with respect to impleadment of the landlord / owner of the subject property is under challenge. The Chamber Summons filed by the concerned landlord / owner as intervenor seeking impleadment in the suit proceedings has been rejected by the impugned order.

3. By virtue of order dated 29.11.2023 in the case of **Ashok**

Babulal Avasthi V/s. Munna Nazimuddin Khan¹ passed by Division Bench of this Court and upheld by the Supreme Court by its order dated 12.02.2024, the impugned order dated 13.12.2023 is not sustainable in law.

4. In that view of the matter, the impugned order dated 13.12.2023 is quashed and set aside. Resultantly allowing the Chamber Summons No.1945 of 2021 filed by intervenor / Applicant – landlord /owner for impleadment. Plaintiff is directed to implead the intervenor as Defendant No.3 in the suit proceedings. All contentions of both the sides are expressly kept open without delineating anything or opining on merits of the matter. L.C.Suit No.947 of 2021 shall proceed strictly in accordance with law.

5. Considering the nature of issue involved in the present case, learned Trial Court shall make an endeavor to dispose of the suit proceedings as expeditiously.

6. With the above directions, Writ Petition stands allowed and disposed.

[MILIND N. JADHAV, J.]

H. H. SAWANT

¹ Writ Petition No.6933 of 2022.